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July 1, 2004

**VIA HAND DELIVERY**

Ms. Deborah Taylor Tate, Chairman  
TENNESSEE REGULATORY AUTHORITY  
460 James Robertson Parkway  
Nashville, Tennessee 37243

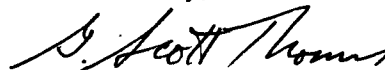
**Re: *Petition of Tennessee Wastewater Systems, Inc. to Amend its Certificate of Convenience and Necessity, Docket No. 03-00329***

Dear Chairman Tate:

Enclosed for filing in the above-referenced docket are the original and thirteen copies of the Direct Testimony of John Raymond Jagger on Behalf of the City of Pigeon Forge

Should you have any questions with respect to this filing, please do not hesitate to contact me at the number shown above. Thank you in advance for your assistance with this matter

Yours truly,



G. Scott Thomas

GST/rk  
Enclosure

cc: Jim Gass, Esq. (w/enclosure)  
Ms. Sharla Dillon (w/enclosure)

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

<b>IN RE:</b>	)	
	)	
<b>PETITION OF ON-SITE SYSTEMS, INC. TO</b>	)	<b>Docket No. 03-00329</b>
<b>AMEND ITS CERTIFICATE OF</b>	)	
<b>CONVENIENCE AND NECESSITY</b>	)	
	)	
<b>and</b>	)	
	)	
<b>PETITION OF TENNESSEE WASTEWATER</b>	)	<b>Docket No. 04-00045</b>
<b>SYSTEMS, INC. TO AMEND ITS</b>	)	
<b>CERTIFICATE OF CONVENIENCE</b>	)	
<b>AND NECESSITY</b>	)	

**DIRECT TESTIMONY OF JOHN RAYMOND JAGGER**  
**ON BEHALF OF THE CITY OF PIGEON FORGE**

Counsel for Intervenor, the City of Pigeon Forge (the "City"), submits the following testimony of John Raymond Jagger for stipulation by the parties to this proceeding and for subsequent incorporation into the record at the hearing in this docket set for July 13, 2004.

1.    **Q:    Please state your full name and business address.**

**A:**    John Raymond Jagger  
  
          P.O. Box 1350  
  
          Pigeon Forge, TN 37868-1350

2.    **Q:    What is your occupation?**

**A:**    I serve as the Director of Community Development for the City of Pigeon Forge.

3.    **Q:    Please describe your professional experience.**
- A:**    I have worked for the City of Pigeon Forge for the past nine years; six years as the Director of Tourism Development and the past three years as the Director of Community Development.
4.    **Q:    Please summarize your duties as Director of Community Development.**
- A:**    I coordinate with and recruit new businesses and other developments to the City. I am also local staff to the Pigeon Forge Municipal / Regional Planning Commission on issues regarding urban expansion and development.
5.    **Q:    Please identify the documents marked as "Pigeon Forge Exhibit 1."**
- A:**    These are the two primary components to the City's regional urban growth plan: (1) the Chapter 1101 written report; and (2) the map designating the City's urban growth boundaries.
6.    **Q:    Please identify the document marked as "Pigeon Forge Exhibit 2."**
- A:**    This document contains the Minutes of the Pigeon Forge City Commission Meeting on Monday, April 23, 2001.
7.    **Q:    What is the significance of these April 23, 2001 Minutes?**
- A:**    These Minutes evidence on page 2-3 that the City adopted the urban growth boundaries as set forth in the City's regional urban growth plan.

**8. Q: Has the City ever rendered sewer service to portions of the urban growth area outside of its limits?**

**A:** Yes. The City served an area outside its limits from construction of the area in 1991 through annexation of the area in 1995. The City also served another area outside its limits from construction of the area in 1984 through annexation of the area in 1998.

**9. Q: Is the City currently rendering sewer service to portions of the urban growth area outside of its limits?**

**A:** Yes. Although the City does not seek to make sewer service available to areas outside its corporate limits, it does so when public interest circumstances justify extension of sewer service outside its boundaries and when such extensions are feasible.

**10. Q: Please identify the documents marked as "Pigeon Forge Exhibit 3."**

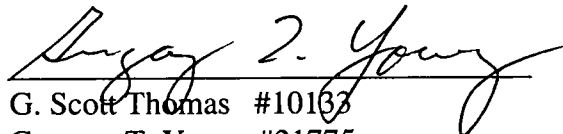
**A:** These are documents from the Tennessee Department of Economic and Community Development that designate the Pigeon Forge Municipal Planning Commission as the regional planning commission for the territory within the City's urban growth boundaries.

**11. Q: Does this conclude your testimony?**

**A:** Yes.

Dated this 1<sup>st</sup> day of July, 2004.

Respectfully submitted,



G. Scott Thomas #10133

Gregory T. Young #21775

Bass, Berry & Sims, PLC

AmSouth Center

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*Attorneys for the City of Pigeon Forge, Tennessee*

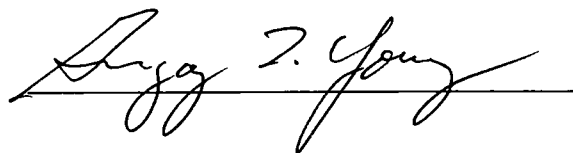
### **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been served on the following, via U.S. Mail, postage prepaid, this the 1<sup>st</sup> day of July, 2004.

Mark Jendrek  
Mark Jendrek P.C.  
P.O. Box 549  
Knoxville, TN 37901

Charles B. Welch, Jr.  
Farris, Matthews, Branan, Bobango & Hellen, PLC  
618 Church Street, Suite 300  
Nashville, TN 37219

Donald L. Scholes  
Branstetter, Kilgore, Stranch & Jennings  
227 Second Avenue North, 4<sup>th</sup> Floor  
Nashville, TN 37201-1631



## **Pigeon Forge Exhibit 1**

Rec  
2-1-00

## Chapter 1101

### Pigeon Forge

#### INTRODUCTION

The passage of Public Chapter 1101 on May 29, 1998 created the need for cities and counties to evaluate their potential growth over the next twenty years, defining their responsibility to manage growth, ensure efficient use of land and provide appropriate public service standards. The law requires that each county prepare a growth plan that places parameters on growth within the county identified as municipal urban growth boundaries, county planned growth areas and rural areas. A county coordinating committee composed of a representative cross section of the county is established to develop these growth parameters. The county government and municipal governments within the county participate in the process by proposing these boundaries based on land needs and public service capabilities. The result should serve to guide growth within each county in a more efficient manner.

#### Purpose

Tennessee Code Annotated 6-58-106 lays out the conditions that must be met in determining urban growth boundaries, planned growth areas, and rural areas. As a part of the process of defining these three territories, each municipality and county must prepare a report that includes: (1) population projections, (2) the costs and projected costs of core infrastructure, urban services and public facilities necessary to accommodate growth, and (3) the land management requirements of future growth. The purpose of this report is to provide the required information supporting the City of Pigeon Forge's urban growth boundary proposal.

#### Definitions

Density. This term is not well defined by Public Chapter 1101, but as it relates to land development, refers to the number of persons or structures or housing units of a specified area. Highest densities would most often be found in urban areas and lowest densities would be found in rural areas. The Bureau of Census defines rural density as 1,000 or fewer persons per square mile equating roughly to one unit per two acres. The residential densities in City of Pigeon are generally meaningless as the City's residential areas are increasingly being converted to overnight rentals. Although the densities are strikingly large

(residential = one unit per 1.12 acres and commercial = one per 2.53 acres), the densities do not give a clear picture of the land use patterns in this tourism oriented City. An explanation will be given in later sections.

**Improved Vacant Land.** Land which has direct access to street and utility infrastructure and can be developed immediately for its allowed use without further public improvements being required.

**Land Use.** Land use identifies the purpose for which the land is being used. In this report, land use will include: residential uses in varying densities and types (single family, multi family, mobile homes), commercial uses, public and semi-public uses (schools, parks, churches, and land allocated to transportation facilities), industrial uses, and lands identified as having physical restrictions on development, improved vacant land and unimproved vacant land.

**Planned Growth Area.** This is territory outside of the City of Pigeon Forge's corporate boundaries. This planned growth area will be identified and will meet the requirements of TCA 6-58-106.

**Population Projection.** The technique of forecasting population counts into the future. For the purposes of this report, University of Tennessee population projections have been prepared and will be used in this report. However, unlike the "average" city, Pigeon Forge is a tourist-oriented destination place. Consequently, it may have a residential population of 3,987 with a projected 2020 population of 6,915, according to the University of Tennessee, but it supports an over-night population of 48,000 people. This 1999 figure was compiled by the Pigeon Forge Department of Tourism. The data comes from the lodging available and occupancy rates of motels, bed and breakfast inns, condo's, chalets, timeshare properties and campgrounds. Comparatively, this "overnight population" in 1980 was 19,000, for an increase of over 250 percent from 1980 to 1999. So, public services are planned and constructed for the real residential population which includes the tourist traffic.

**Public Services.** The public services that the City provides are: police and fire protection, public water and sewer services; street construction and repair; garbage pick up, recreation facilities and programs; street lighting; building codes and zoning services.



Rural Area. All territory in a county that is not in a municipality, a municipal urban growth boundary or a planned growth area in the county.

Unimproved Vacant Land. Land that will require public improvements before it may be developed for its allowed use.

Urban Growth Boundary. A line that encompasses territory reserved for municipal growth that must meet the requirements of TCA 6-58 106.

### **Methodology**

Land use and land management, provision of public services and projected growth are used in this report to develop a proposed urban growth boundary for the City of Pigeon Forge. Land use has been evaluated by inventorying the existing land uses by land use category, determining the total land area currently being used and establishing the available vacant land for future development.

Physical development restrictions have been identified and removed from the vacant land total through review of regulatory flood plains, slopes in excess of fifteen (15) percent, sink holes identified on USGS quadrangle maps, and wetlands identified by the Tennessee Department of Environment and Conservation.

Public services have been identified and costs associated with expansion within and outside of the City have been determined. The University of Tennessee has provided population projections that are used in addition to more specific municipal and county data to determine population growth, particularly in regard to tourism.

An analysis of land use, public services, demographic growth and economic growth is conducted. The results have been used to establish the justification for the proposed Pigeon Forge Urban Growth Boundary.

## **URBAN GROWTH PROJECTION**

### **Projected 20 Year Population Growth**

\*The University of Tennessee has projected a population growth of 2,928 by the year 2,020 from a current population of 3,987 to 6,915, or a growth of 73.44 percent. But, this statistic does not adequately portray the "real" growth of

the tourist-oriented City. As previously noted, in 1980, the overnight residents were approximately 19,000 as determined by the Pigeon Forge Department of Tourism. In 1999, the figure is 48,000 people for an increase of over 250 percent. If an overnight population increase of 73.44 percent is considered, the 2020 population may be approximately 83,251 people. If the growth rate of 250 percent is utilized, the population in 2020 could be 168,000 people.

### **Projected Economic and Business Growth**

The Pigeon Forge economy is obviously based on tourism. Therefore, the main focus of commercial activities is motels, amusements, retail outlet shopping, restaurants, just to name a few. Unlike in the 1980's, the tourism base is now year 'round with ninety-five (95) percent of the businesses remaining open. In 1980, Pigeon Forge had one large amusement park (Silver Dollar City) and twenty-five amusement/attractions. There was a souvenir/craft/shopping base. After the World's Fair in Knoxville in 1982, there was a boost in an awareness of Pigeon Forge, which gradually started the increase in year 'round tourism activity. In the 1980's, there was a boom in the retail outlet shopping market and Silver Dollar City was changed to Dollywood and expanded. Consequently, gross business receipts increased forty-seven (47) percent in one year (1986) for a \$53.8 million increase according to the Pigeon Forge Department of Tourism. In the 1990's, the growth of the music theaters has added to the tourism growth rate by extending the season to twelve months a year.

In 1980, the gross business receipts for the City were \$50.8 million. In 1990, it was \$339 million. In 1998, the gross receipts were \$615.6 million. An additional example of this phenomenal growth is the number of hotel/motel rooms added in eighteen (18) years. In 1980, there were 2,061 rooms; but in 1998, there were 7,749. All other sectors of the economy have proportionately increased.

Therefore, all future land use trends will remain oriented towards the tourism industry and the overnight "guests". And, unlike the typical city, all of Pigeon Forge's public services are oriented towards maintaining infrastructure and delivery for year 'round residents as well as over-night ones.

### **LAND USE INVENTORY AND ANALYSIS**

The City of Pigeon Forge consists of approximately 11.25 square miles and is located in Sevier County. As Table 1 indicates, there are 7,201.36 acres in the City.

And, there are only 401.14 unrestricted vacant acres. This means that 5.57 percent of the total land area of Pigeon Forge is available for future development. Or, stated another way, 94.43 percent of the City is already developed, has unsuitable properties for development (flood hazard, topographically limiting conditions, or is held in large tracts with an unknown development future, such as Dollywood's holdings) An analysis is provided below.

Table 1. Existing Land Use Inventory

Land Use	Total Area in Acres	Percentage of Total Land Area	Percentage of Developed Land Area	Total Number of Units	Density of Units Per Acre
Residential Total	2,574.5	35.75	57.20	2,306	One per 1.12
Single Family < 2 acres	754.3	10.47	16.76	1,234	.57
Single Family > 2 Acres	1,542.65	21.28	34.05	151	One per 10.15
Multi Family	167.7	2.33	3.73	640	.26
Mobile Homes	110.81	1.66	2.66	181	.66
Commercial	1,348.35	18.72	29.95	533	2.53
Public	578.23	8.04	12.85	-	-
Total Developed Land	4,501.04	62.50	100.00	2,819	-
Total Undeveloped	2,700.32	37.50	-	-	-
Total Land Area	7,201.36	100.00	-	-	-
River Area	77.15	1.07	-	-	-
Road Rights-of Way	722.76	10.04	16.06	-	-
Total Vacant	1,900.41	26.50	-	-	-
Restricted Vacant	1,409.27	20.82	-	-	-
Flood Hazard	295.37	4.12	-	-	-
Severe Slope	1,202.9	16.70	-	-	-
Unrestricted Vacant Land	401.14	5.57	-	-	-

### Land Use Inventory

The existing land use is described in more detail in Table 1 and under the following categories:

Residential. Ironically, the largest land use in Pigeon Forge is residential. Single family, multi-family and mobile homes account for thirty-five (35.75) percent of the total land area of Pigeon Forge and fifty-seven (57.20) percent of all developed land area. This figure does include residential units, which may also be overnight rentals or time-share units. The over-all density is one unit per 1.12 acres. At first glance, this may appear to be a very low density figure, particularly in a City with extensive water/sewer infrastructure.

In the standard city, residential units usually are located on half acre tracts. But in Pigeon Forge, the larger density is due to the terrain; lots tend to be larger due to the severe topography (slopes of fifteen percent or greater). For example, one of the largest categories of residential land use is single-family homes located on parcels of two acres or greater. There are 151 units of single-family housing located on 1,532.65 acres. This accounts for a density of one unit per 10.15 acres. Furthermore, these large lot developments account for 21.28 percent of the total land area and 34.05 percent of the developed land in the City. Most of the large lots appear to be in the newly annexed areas, which have not experienced the development demands of properties within the corporate limits.

Single family residential units on less than two acres account for 16.76 percent of the developed land area and 10.47 percent of the total land area. There are 1,334 units on 754.3 acres for a density of .57 units per acre, or one per 24,829 square feet. Obviously, this density is a result of the municipal subdivision regulations that have been in effect for over twenty (20) years. These units include standard single family as well as overnight rentals.

Multi-family units are only 3.73 percent of the developed land area and 2.33 percent of the total land area. There are 640 multi family units on 167.7 acres. The density is one per .26 acres or one per 11,325 square feet. This density level is lower than expected of multi-family units oriented towards overnight rentals or timeshares. The multi-family units include condo's and the ever popular timeshares. Only a small fraction of the multi-family units are standard apartments.

Mobile homes are 2.66 percent of the developed land area and 1.66 percent of the total land area. There are 181 units on 119.81 acres. Most of these mobile home areas have been annexed into the City or are older parks, such as the one in the Conner Heights area. Mobile homes are not allowed on single lots. The density is one per .66 acres or one per 28,749 square feet.

Commercial. Commercial uses total 1,348.35 acres and are 29.95 percent of the developed land area. Also, commercial uses are 18.72 percent of the total land area. There are 533 commercial units with a density level of one per 2.53 acres.

At first glance, this very low density level may be surprising; however, the commercial land uses include amusement parks, motel and hotels, restaurants, gift shops, and the outlet malls, all of which demand large tracts. The era of the small commercial establishment with gift shop is being replaced by the mega mall and multiple use amusement parks as well as the high rise motels and the music theaters.

Public. Public uses utilize 578.23 acres and are 8.03 percent of the total land area as well as 12.85 percent of the developed land area. These uses include churches, cemeteries, the City Hall complex, water and sewer treatments plants, the Pigeon Forge Park off Wears Valley Road as well as Patriot Park in the Old Mill area. It also includes the U.S. Postal Service, county schools and the maintenance and operational facilities of public works.

Transportation. Roads and rights-of-way utilize 722.76 acres for a developed land use total of 16.06 percent. Of the total land area, transportation accounts for 10.04 percent of the land.

Industrial. There are no industrial uses in the City as the economic base is tourism. The closest land use to an industrial park is the Music Road complex which was established, developed and financed as an industrial park.

Vacant Restricted Land: There are 1,499.27 acres that are designated as vacant but restricted. This amounts for 20.82 percent of the total land area within the City. The flood hazard area consists of 296.37 vacant acres which is 4.12 percent of the total land area. Areas with topographically challenging slope account for 1,202.9 acres or 16.70 percent of the total land area. Obviously, there are some areas, which have been developed that are in areas with severe slope. In a tourist-oriented City, there is a demand for cabins in these mountain areas. However, from a planning standpoint, areas have been defined that present problems to development that should be avoided. Consequently, these severe slope areas have been identified.

*slope is  
greater than  
15%*

Vacant. There are only 401.14 acres that are vacant and available for development in the City. Most of this acreage is within the newly annexed areas along Wears Valley and in the Middle Creek Road vicinities. There is a scattering of properties throughout the city,

included in the above figure, that can be utilized in the future. However, many of these parcels are too small to support the large-scale commercial developments or time-share condo units that have been the trend in the past several years.

### **Analysis of Land Allocation and Re-Use Potential**

Vacant Land Potential. As previously noted, there are only 401.14 acres available for future development in the City. This amounts only to 5.57 percent of the total land area. This is, quite frankly, an alarmingly low amount of available land. Most cities have thirty-five percent or more of their corporate limits available for future development. But, Pigeon Forge has some challenging topographical areas. A more detailed analysis is presented below. *(Suggests need for annexation)*

Residential. Most of Pigeon Forge's vacant land will not be used to provide residential uses. The vacant land is utilized for condo's, and similar overnight rentals. Two apartments complexes have been built (one sponsored by the City) to fulfill the demand of the tourism industry workers for moderately priced residential units. However, most developers can obtain a higher return for their investment by constructing units oriented towards the vacationers. Realistically, it is safe to predict that no standard single family units will be constructed in the future. And, the existing vacant property will not be converted to subdivision developments oriented towards workers and families.

Multi-family uses will consist of the timeshare and condo developments that are very popular and successful. Although those developments only consist of 3.73 percent of the existing developed land area, this type of use will grow at a greater rate. Timeshares and condo's have lost the stigma that was attached to them as recently as ten years ago, nation-wide, when there were countless complaints of mismanagement of funds and out-right fraud. Although Pigeon Forge never had any complaints of such dealings, the over-all view of the average person or tourist was to avoid such developments until recently. Due to more professional management and regulatory standards, the condo and timeshare industry is flourishing nation-wide and is becoming a larger contributor to overnight residents in Pigeon Forge in spite of the fierce competition with the motel industry.

Of the 401.14 acres available for future use, this land area could accommodate 1,542.85 multi-family units. This sounds like a large amount. However, this would assume that there is no commercial expansion at all (amusements, motels, restaurants, etc.), which is not only unlikely, but impossible.

Commercial. Commercial development will obviously + continue to grow. The motel industry grew 31.97 percent over the past eight (8) years. In 1980, there were 2,061 hotel/motel rooms available in Pigeon Forge. In 1990, there were 5,275 rooms for a growth rate of 60.93 percent. From 1980 to 1998, there was growth in the number of rooms of 73.40 percent. If this trend continues, as it appears it will, there will not be enough vacant land to accommodate the motel industry alone, never mind other commercial uses.

Commercial uses have been averaging one per 2.53 acres. This means that the 401.14 acres would accommodate 158.55 "average" commercial uses. Large-scale outlet malls, music theaters, which did not exist until about nine years ago, motels, and amusement park developments would be severely limited. In the past three years, developments have begun to utilize even more than the average 2.53 acres. In one zoning district (C-5), the minimum acreage required is fifty (50) acres. Therefore, the available vacant land would only accommodate about eight large developments.

Commercial development will be generally located along Wears Valley Road. The necessary infrastructure (water, sewer and roads) are currently available in the corporate limits. A second area of development will be along Middle Creek Road in the newly annexed areas up to Center View Road. However, these areas do not have available infrastructure to date. A new arterial road is planned for the Lower Middle Creek Area and the infrastructure will be installed at that time. There are a few pockets of vacant land available along Teaster Lane and in the Pine Mountain area. But, again, the available and scattered 401.14 acres is very limiting on the future development of the City.

Industrial. There are no industrial uses planned for Pigeon Forge. The main industry is tourism and this will not change. There is no demand for manufacturing uses.

Public. Future land will be needed for fire stations to accommodate the growth in the City as well as future annexation areas. However, these public uses would not consume more than five (5) acres of the total 401.14 available.

Transportation. Transportation will utilize some of the available vacant land. The new road project planned for Middle Creek Road will require additional right-of-way. Other road widening projects may be under-taken when road rights-of-way are needed. The acreage of additional rights-of-way needed are undetermined at this time.

Re-development and Re-use Potential. There have been demands for re-development of existing and established neighborhoods. Primarily, these demands include the designation to commercial or residential 2, overnight rentals. In general, the re development of existing neighborhoods has been discouraged. The small residential lots are not adequate to provide sufficient off-site parking for commercial or over-night rental use. Furthermore, there are few residential dwellings for purchase or rent by tourism workers or those seeking to live within the corporate limits.

The only area that may under-go re-development is adjacent to the Old Mill. There is a move to re-create this area to cater to tourism traffic but seize on the historic nature. Therefore, small commercial uses such as coffee shops, art galleries and other craft uses, could thrive in this area. However, the re-development would not substantially add to the future development of the City.

## **Findings**

The City of Pigeon Forge has 401.14 acres that are available for future development. Therefore, only 5.57 percent of the total land area can accommodate future land uses. This is a very low amount of available land. Of these 401.14 acres, commercial use, over-night rentals would be competing for the available properties. Most likely, any future developments would have to occur outside the corporate limits. However, this is undesirable as public sewer would not be made available as the City has a policy of providing public sewer to properties inside the corporate limits. Furthermore, most of the larger commercial uses (amusement parks, motels, restaurants) need public sewer to operate and prefer to have City services such as police and garbage pick-up. Therefore, without annexation, the City's



phenomenal growth will plummet. But, neither will it occur in the county due to lack of services which the commercial uses expect and even demand

### **EXISTING MUNICIPAL PUBLIC SERVICES ANALYSIS**

Residents of the City of Pigeon Forge have extensive urban services provided for them. The City has a full-time police force, a fire department, street maintenance crew and sanitation. It also provides public sewer and water, street lights, a trolley system, and sidewalks. There is also a Department of Tourism and Department of Special Events, which assist local businesses. It has a public park system, which includes the park off McGill Street and Patriot Park in the Old Mill area. There are immediate plans for a new Community Center with construction to begin in August 1999. The completion date is July 2000. Planning, land use controls, and municipal code enforcement are also included in its service provisions. The following describes the services available within the City.

#### **Inventory and Description of Public Services**

Public Utilities. Pigeon Forge provides water service to the corporate limits and approximately 98 percent of the City is serviced. There are a few subdivisions that do not have access to public water service but will in the immediate future. There is public water service outside the corporate limits.

The City has provided public sewer to ninety (90) percent of its corporate limits. The remaining areas are in the newly annexed portions. Pigeon Forge will not provide public sewer outside the corporate limits.

Electrical service is provided by the Sevier County Electric Service. Natural Gas is provided by Sevier County Utility. The services are available throughout the City and into the surrounding areas. Expansion into non -service areas is ongoing as development occurs.

#### Public Safety.

Police protection is provided by the City of Pigeon Forge. No service is provided outside the corporate limits. However, the fire department will provide service to areas outside the City. The City has a fire rating of 4. Sevier County operates the ambulance and rescue services.

#### Solid Waste Collection

Solid waste collection is provided by the City of Pigeon Forge. Residential pick-up is offered once a week. Commercial collection is offered daily, seven times a week.

#### Roads and Streets

Street improvements, maintenance and drainage improvements are provided by the City of Pigeon Forge. New street and bridge construction, which is extensive, is contracted out. Street light service as well as sidewalk installation are provided by the City.

### Parks and Recreation

The City provides two parks. One park is located on McGill Street and the other is at Patriot Park. Currently, there is a new community center planned for the McGill Street Park which will consist of: a 10,000 square foot library, an exercise room, two swimming pools (one indoor and one outdoor), twelve bowling alleys, three gyms, a running and walking track, two handball courts, as well as meeting rooms and a nursery. The construction date is August 1, 1999. The facility is scheduled to open by July 2000. The facilities do provide service to residents of the region.

### Land Use Controls and Municipal Codes

Pigeon Forge has adopted the Southern Standard Building Code and it is enforced strictly. It also has zoning and subdivision regulations in place within the corporate limits. Subdivision regulations are enforced in the planning region. Pigeon Forge also has adopted the Model D Flood Hazard Ordinance.

### Analysis of Public Services Costs

Non-Municipal Urban Services. The county provides the public schools, ambulance and rescue services for the City. Otherwise, Pigeon Forge provides the remainder of high level public services to residents and businesses.

Municipal Urban Services. The City of Pigeon Forge provides urban services, facilities and infrastructure in the areas of water, sewer, fire, police, street lights, street maintenance, construction and drainage, parks, sidewalks, a trolley system, and assistance to businesses through the Department of Tourism and the Department of Special Events. Planning and building codes services are also provided. Soon, the community center will provide an more services as noted in the items listed above. Briefly described below are the costs associated with the services provided.

Public water and Sewer. Public water costs are estimated at \$20,964,169 for the growth management area. Public sewer is estimated at \$34,975,107. The total cost for public water and sewer is \$55,939,276. Some of the proposed growth management area already has public water service.

*Had perma  
rest. now  
50 =  
150 mi.*

Sanitation. Sanitation will cost \$2,353,247. This includes three (3) new trucks and nine (9) new employees.

\*Street Maintenance. Street maintenance will cost \_\_\_\_\_. This does not include the construction of any new roads or bridges. That will only occur as development occurs.

Public Safety. The police department will require a substation to service the Wears Valley area. The substation could be combined with other public services such as fire, ambulance and City functions. To service this area with police personnel would require twenty-four new full-time police officers. Obviously, other costs would include vehicles, radios, transmitting towers. In the Caton's Chapel area, an additional ten (10) police officers would be required. Total police personnel and equipment costs for the growth management area are \_\_\_\_\_. Added into this figure are an additional two dispatchers and two more criminal investigators. Total costs are \_\_\_\_\_.

Two additional fire halls will be required as well as the necessary attendant fire equipment. Since the City has volunteer fire personnel, no additional personnel costs are expected. Total fire costs are \_\_\_\_\_.

Parks and Recreation. No additional expenditures are expected. The two parks are adequate to meet future needs. Patriot Park now service as a central event theater for the existing residents as well as the overnight guests. Furthermore, the residents of the growth management area also use this park. The community center has been designed to meet the needs of the residents as well as the growth area for the next twenty (20) years.

## **Findings**

Urban services, facilities and infrastructure are readily available to the residents of Pigeon Forge. These services, such as public water, fire, and recreation, are currently being used by the residents of the growth management area. In the future, Pigeon Forge can provide for the expansion of public water and sewer through user fees or through other revenue sources. Also, developers are required

to install their development's public water and sewer lines in accordance with the policies of the City. Other services, such as sanitation and street maintenance, police, trolley, tourism promotion will be funded out of the commercial gross tax receipts as well as the property tax.

## **URBAN GROWTH BOUNDARY EVALUATION**

### **Urban Growth Objectives**

The City of Pigeon Forge is experiencing a growth explosion over the past nineteen (19) years in the commercial sectors. It is reasonable to expect this growth to continue both within the corporate boundary and in the growth management area. Furthermore, with the limited area for expansion in the corporate limits, only 401.14 acres available, there is a tremendous necessity to expand the corporate limits. Regardless of whether the City chooses to annex or not, future businesses, motels, amusement parks, restaurants and timeshares, will demand that the City annex to provide them with needed services for the tourists such as trolley, police, and public sewer at a minimum.

The city's goals have always been to provide a variety of vacation experiences as well as a planned and safe area for tourists. This includes offering an extremely high level of services. As is constantly noted by City officials, one bad experience by a tourist means a loss of business. Consequently, the City is very responsive to the questions, suggestions, and complaints of their main source of business, tourists.

Therefore, everything, from the level of street maintenance to new street construction to providing quick police response time and crowd control, as well as dependable public water and sewer service is aimed at tourist satisfaction. New services have consistently been expanded such as trolley pick-ups and sidewalk extensions.

### **Review of Potential Urban Growth Areas**

The main issue is defining the growth management area is the ability to provide services. That issue defines most of the growth area as other entities, cities as well as county, could not feasibly service the proposed area. The following is a brief summary of the proposed growth management area along with commentary on why the area was chosen.

Corporate Limits to Catron's Chapel: This area has requested annexation in the past although the City did

not choose to annex at that time. The county school in the area needs public sewer service very badly. Other areas also have sewer problems. Furthermore, there are some second home developments and overnight rentals occurring in the area that could use public water. Pigeon Forge would be the obvious choice, and has been in the past, requested to provide public sewer. Fire protection is already provided. In the future, with additional development, new street construction will be needed.

Wears Valley Area To Chilhowee Mountain: This area can only be serviced feasibly by the City. There are some public water lines in this area and Pigeon Forge is the only City that could reasonably provide public services. Additionally, over-night rentals are growing in this area. As well, larger condo/over-night rentals have looked at locating. Most of the requests for annexation have come from this proposed growth area.

#### **Impact on Agriculture, Forests, Recreation and Wildlife Management**

The only significant impact will be on the Great Smoky Mountain National Park. However, without the City's presence through annexation, the park is more threatened by out of control development. Growth will occur in this area. There is no question. However, without adequate planning and codes enforcement, as well as public water and sewer, the impact on the National Park will be severe. The City of Pigeon Forge offers more protection to the Park than the county.

#### **CONCLUSIONS AND RECOMMENDATIONS**

The City of Pigeon Forge provides a very high level of services to its residents and tourists. Currently, it handles well an over-night population of 48,000 people. It cannot expand its economy through future land development for very long as only 401.14 acres are available. Since the economy of Sevier County (as well as the State of Tennessee), would suffer if Pigeon Forge could not expand its borders to accommodate future growth, the growth management area is recommended as shown on the map.

Furthermore, growth will occur on the periphery of the City anyway. Consequently, the City will receive requests and demands for annexation, as it has in the past. Large quality commercial uses will not locate in an area that will not provide quality urban services.

The City of Pigeon Forge has proven its capability to service its corporate limits. With approximately ninety-

eight (98) percent of the City served by public water and ninety (90) percent served by sewer, there is no question that it could and would provide services to the residents of the growth management area. Also, county residents have recognized the City's provision of services as they use the services (fire, water, and the City's recreational areas) and requested annexation.

Finally, only the City of Pigeon Forge can provide these areas with public services, such as water and sewer, police and the other services now provided the City users.

4-23-01

## PIGEON FORGE GROWTH MANAGEMENT PROPOSAL

Revised February 7, 2001  
 Revised February 8, 2001  
 Revised February 12, 2001  
 Revised April 9, 2001

The city's revised growth management plan reduces the total amount of land in its proposed urban growth area (outside of the current planning region) by approximately 70%. The portion of the urban growth area west of the city ("Waldens Creek/Wears Valley" area) is reduced by 74%, while the portion east of the city ("Catons Chapel" area) is reduced by 55%. The boundaries of both areas have been determined, in large part, by current annexation requests, existing water lines, recommended infrastructure improvements and/or topography.

### Revision Schedule

	Total Area	West Portion	East Portion
Original UGA	62.3 sq mi	50.4 sq mi	11.9 sq mi
Revision 1 2/7/01	<u>-35.4 sq mi</u>	<u>-31.9 sq mi</u>	<u>- 3.5 sq mi</u>
revised area	26.9 sq mi	18.5 sq mi	8.4 sq mi
reduction	57%	63%	29%
Revision 2 2/8/01	<u>- 2.1 sq mi</u>	<u>- 2.1 sq mi</u>	<u>no change</u>
revised area	24.8 sq mi	16.4 sq mi	8.4 sq mi
cumulative reduction	60%	67%	29%
Revision 3 2/12/01	<u>- 1.9 sq mi</u>	<u>no change</u>	<u>- 1.9 sq mi</u>
revised area	22.9 sq mi	16.4 sq mi	6.5 sq mi
cumulative reduction	63%	67%	45%
Revision 4 4/9/01	<u>- 4.3 sq mi</u>	<u>- 3.1 sq mi</u>	<u>- 1.2 sq mi</u>
revised area	18.6 sq mi	13.3 sq mi	5.3 sq mi
cumulative reduction	70%	74%	55%





## **Pigeon Forge Exhibit 2**



May 15, 2001

Mr. Larry Waters  
Sevier County Executive  
Sevier County Courthouse  
Sevierville, Tennessee 37862

Dear Mr. Waters:

I have enclosed two copies of certified minutes of April 23, 2001 that includes the approval of the City of Pigeon Forge Growth Plan.

Please forward to our office a copy of the fully executed Interlocal Agreement for my files whenever available.

Thank you for your assistance

Sincerely,

Elsie Cole  
City Recorder

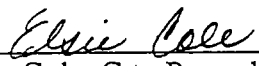
EC/bc

cc: Earlene M. Teaster, City Manager

### CERTIFICATION

I, Elsie Cole, Recorder for the City of Pigeon Forge, Tennessee, do hereby certify that the attached copy of is a true and exact copy of said minutes of April 23, 2001 meeting as approved by the Board of Commissioners of the City of Pigeon Forge, Tennessee, on May 14, 2001.

This 15<sup>th</sup> day of May, 2001

  
\_\_\_\_\_  
Elsie Cole, City Recorder

**MINUTES OF  
CITY COMMISSION MEETING  
MONDAY, APRIL 23, 2001, 7:00 P.M.  
CITY HALL, PIGEON FORGE, TENNESSEE**

Present were Mayor Chance, Vice Mayor Maples, Commissioner McCarter, Commissioner Brackins, Commissioner Sexton, City Manager Teaster, City Recorder Cole, City Attorney Jim Gass, Director of Public Works Miller, TDA Director Jagger, members of the press and interested citizens.

Mayor Chance opened the meeting and presented the minutes of the previous meetings for approval

The minutes were unanimously approved following motion by Commissioner Brackins and second to motion by Commissioner McCarter

The authorization for the payment of bills was unanimously approved following motion by Commissioner Sexton and second to motion by Commissioner McCarter.

**ORDINANCE NO. 648** to amend the Pigeon Forge Municipal Code by revising Title 12, Chapters 4, 6 and 8, Section 12-402, 12-601, and 12-801, so as to amend the building plumbing, electrical, gas, housing, model energy, swimming pool, mechanical and amusement codes was presented for approval on second reading.

City Manager Teaster read the ordinance in it entirety and noted this amendment was approved on first reading April 9, 2001

**ORDINANCE NO. 648** was unanimously approved on second reading following motion by Commissioner Brackins and second to motion by Vice Mayor Maples

**ORDINANCE NO. 649** to amend the zoning ordinance of Pigeon Forge by the addition of set back and forestation requirements to Section 905, exception on height limits was presented for approval on second reading.

City Manager Teaster read the ordinance is its entirety and noted Planning Commission approval on June 27, 2000 with approval on first reading April 9, 2001

Vice Mayor Maples made motion to approve **ORDINANCE NO 649** on second reading Following second to motion by Commissioner Brackins, the action was unanimously approved

State Maintenance Contract for the fiscal year July 2001-June 30, 2002 was presented for approval

City Manager Teaster stated this agreement with the State would allow the City to maintain the streets with reimbursement in the amount of \$61,706.12 and set out procedures to follow. She noted this was basically the same contract as in previous years.

Commissioner Brackins made motion to approve contract as presented. Following second to motion by Vice Mayor Maples, the action was unanimously approved

**RESOLUTION NO. 625** authorizing a letter of credit for relocation of utility lines during the construction of the Middle Creek Road was presented for approval.

City Manager Teaster noted this would allow the City Recorder to issue a letter of credit in the amount of \$1,049,647 00 for the utility lines included in the Middle Creek Road project.

**RESOLUTION NO. 625** was unanimously approved following motion by Vice Mayor Maples and second to motion by Commissioner McCarter.

Amendment to Walking Trail Grant to change the scope of the project was presented for approval

TDA Director John Jagger stated with the first phase of the walking trail grant included in an eighty-twenty percent grant it was determined during design that the grant monies did not allow for connection of walking trail to Patriot Park as planned. Therefore he noted, so there would be not intermingling of grant funds, the first phase would begin at City Park and continue to Jake Thomas Road at river. He noted the amendment would allow the second phase to pick up at that point and continue to Patriot Park. He also noted the State had been cooperative and approved the amendment

Vice Mayor Maples made motion to approve amendment to grant as presented. Following second to motion by Commissioner Brackins, the action was unanimously approved.

The Pigeon Forge Urban Growth Boundary, in accordance with Chapter 1101 (TCA 6-58-101) and the Interlocal Agreement to restudy the boundaries after five (5) years was presented for approval.

TDA Director Jagger stated that Council had been presented copy of map with final boundaries following four amendments. He noted that City allotment had shrunk in size stating the map and agreement, with approval, would allow the cities and county to move forward on the process. He further stated with agreement approval the boundaries could be renegotiated at the end of five years and noted in emergency situation the lines could be readjusted prior to that time.

Vice Mayor Maples expressed his thanks to Mayor Chance and Mr. Jagger for their efforts in negotiations on the growth plan and stated this would allow compliance with the State requirements and with future requests for utility services these relinquished properties should be noted. He also stated this was a growth plan only and did not necessarily mean annexation of those areas.

Mayor Chance noted the City of Sevierville and County are continuing to negotiate, however he felt the City should carry on with the intent to finalize the process.

Following discussion Commissioner Brackins made motion to approve boundary plan as presented along with interlocal agreement. With second to motion by Vice Mayor Maples, the action was unanimously approved.

Supplemental Agreement No 5 with Wilbur Smith Associates engineering agreement relative to the Middle Creek Road was presented for approval.

City Manager Teaster stated these items included were completed and were required to complete the McCarter Hollow area with permits, traffic signal and assistance in right of way acquisition. She noted the amount agreement was in the amount of \$31,050.

The supplemental agreement, as presented, was unanimously approved following motion by Vice Mayor Maples and second to motion by Commissioner Brackins

Road paving schedule for the public works department was presented for approval

Director of Public Works Miller stated the proposal included six streets, for a total of \$124,460, and noted the sewerlines in the area had been completed

The paving, as presented, was unanimously approved following motion by Commissioner Sexton and second to motion by Vice Mayor Maples

Landscaping proposal for the entrance to Teaster Lane was presented for approval

City Manager Teaster stated this proposal, as reviewed in work session, would allow landscaping in the Teaster Lane area for a total amount of \$17,900 00

Commissioner Brackins made motion to approve landscaping as presented Following second to motion by Vice Mayor Maples, the action was unanimously approved

Manager's report included the following:

- 1 Legislative Weekend is scheduled for Friday, Saturday, and Sunday, beginning May 4<sup>th</sup>
2. Pigeon Forge Public Library will have its Grand Opening on Sunday, April 29<sup>th</sup>, at 2 00 p.m.
3. Library Board representative from Council should be approved.

Commissioner Sexton made motion to approve Mayor Chance to serve on the Library Board with Commissioner McCarter as assistant. With second to motion by Vice Mayor Maples, the action was unanimously approved.

4. Street lighting request from the Kings Hills residents has been addressed with memo from Director Miller.

Public Works Director Miller stated Sevier County Electric System has agreed to install the requested street lights for a total of \$1400 each. He noted the subdivision had requested nineteen lights at a total cost of \$26,600

During discussion it was noted the cost should be reviewed as to future requests from developers with regard to shared costs, approval to Kings Hills should be pending legal modification of deed restrictions; sufficient power available for installation, and review of City liability with regard to future developments

Following discussion Vice Mayor Maples made motion to install one light for property owner's approval pending legalities being met with regard to deed restrictions and intent of City standard reflected with Sevier County Electric proposal. Following second to motion by Commissioner Brackins, the action was unanimously approved

- 5 Wears Valley Road project is nearing completion and request has been submitted to enter into a friendly condemnation to acquire the property of Doug Williamson for future use by the City for fire station or mass transit building

Vice Mayor Maples made motion to authorize the City Manager, Mayor and the City Attorney to proceed with friendly condemnation as requested. Following second to motion by Commissioner Brackins, the action was unanimously approved

Mayor Chance requested comments from the floor or Board



Vice Mayor Maples expressed his thanks to the City employees for their work in the cleanup following the recent rod weekend.

Mayor Chance also stated the City crews did an excellent job.

Mayor Chance then requested the status of the proposed Welcome Center in the North end.

In reply, City Manager Teaster stated that topos and surveys have been requested and will be furnished to Council for their review as soon as possible.

Mayor Chance stated that local businessman, Steve Maples, had been seriously injured in auto accident the past weekend and requested that everyone remember Mr. Maples and his family in their prayers.

There being no further comments, the meeting was duly adjourned at 7.35 p.m

APPROVED

*Pauli Chance*  
MAYOR

ATTEST

*Elsie Cole*  
CITY RECORDER

## **Pigeon Forge Exhibit 3**

## LOCAL GOVERNMENT PLANNING ADVISORY COMMITTEE

### Resolution

#### Alter Pigeon Forge Planning Region

WHEREAS, the City of Pigeon Forge has requested the alteration of its planning region outside its corporate limits, for the purpose of efficiently and effectively providing urban services and managing and controlling urban expansion within its urban growth boundary, and

WHEREAS, the Pigeon Forge Regional Planning Commission and the Pigeon Forge Board of Mayor and Commissioners have provided documentation of their actions to request this alteration, and

WHEREAS, the altered boundary of the planning region falls within or is congruent with the current approved urban growth boundary of the municipality and does not exceed five miles beyond its corporate boundaries,

NOW THEREFORE BE IT RESOLVED by the Local Government Planning Advisory Committee that it approves the alteration of said region which new boundaries are shown on an accompanying map bearing this date and the signatures of the Chair of the Committee and the Departmental representative.

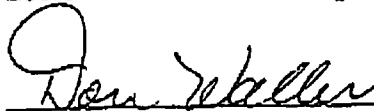
BE IT FURTHER RESOLVED that this request by the City signifies acceptance of the planning region as altered.

BE IT FURTHER RESOLVED that in the event any part of the region thus established rescinds a previously designated part of the city's planning region, the area thus rescinded will revert to the jurisdiction of the Sevier County Regional Planning Commission.

Adopted: April 24, 2002



Tom Stiner, Chair  
Local Government Planning Advisory Committee



Don Waller  
Department of Economic & Community Development

LOCAL GOVERNMENT PLANNING ADVISORY COMMITTEE

RESOLUTION

Gatlinburg-Pigeon Forge  
Boundary Adjustment

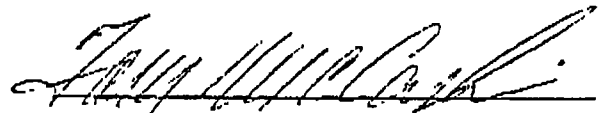
WHEREAS, letters and resolutions from the Gatlinburg Regional Planning Commission and City Commission have been received in which they state a desire to relinquish a portion of the Gatlinburg Planning Region; and

WHEREAS, letters and resolutions have been received from the Pigeon Forge Regional Planning Commission and City Commission, requesting that the Pigeon Forge Planning Region be expanded to include a portion of the territory relinquished by Gatlinburg; and


WHEREAS, this action is believed to be in the best interest of both Commissions and does not affect the county since Sevier County does not have a planning commission,

NOW, THEREFORE, BE IT RESOLVED by the Local Government Planning Advisory Committee that the boundaries of the Gatlinburg and Pigeon Forge Regional Planning Commissions be changed as indicated on the attached map which has been approved by both planning commissions and dated July 23, 1975.

Adopted: July 23, 1975



Tom McCaslin, Chairman  
Local Government Planning Advisory  
Committee



Donald G. Waller, Executive Director  
Tennessee State Planning Office

LOCAL GOVERNMENT PLANNING ADVISORY COMMITTEE

RESOLUTION

Pigeon Forge Regional  
Boundary Adjustment


WHEREAS, the Board of Commissioners of the City of Pigeon Forge and the Pigeon Forge Regional Planning Commission have passed resolutions requesting that the Local Government Planning Advisory Committee reduce the size of the Pigeon Forge Planning Region, and

WHEREAS, letters certifying this action and dated June 25, 1974 and July 15, 1974, along with a proposed map of the new boundaries have been submitted to the Local Government Planning Advisory Committee for action and are attached to this resolution,

NOW, THEREFORE, BE IT RESOLVED by the Local Government Planning Advisory Committee that the boundaries of the Pigeon Forge Planning Region are hereby changed to those shown on the attached map dated July 24, 1974.

Adopted: July 24, 1974

  
Chairman  
Local Government Planning Advisory  
Committee

  
Donald G. Walter, Executive Director  
Tennessee State Planning Office

Local Government Planning Advisory Committee

Resolution

Pigeon Forge  
Regional Boundary Adjustment

WHEREAS, the Pigeon Forge Regional Planning Commission at its regular meeting on October 19, 1972, requested an adjustment to the Pigeon Forge Planning Region, and

WHEREAS, the Pigeon Forge City Council has concurred in the expansion of said region, and

WHEREAS, said expansion does not conflict with any other planning region boundary and is within the statutory requirements,

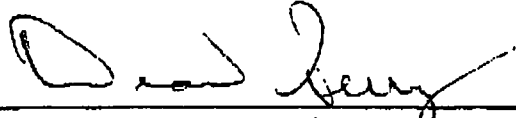
NOW, THEREFORE, BE IT RESOLVED by the Local Government Planning Advisory Committee that the Pigeon Forge Planning Region be expanded to include a territory, the specific boundaries of which are shown on a map entitled "Pigeon Forge Planning Region, January 24, 1973," a copy of which is on file in the office of the Tennessee State Planning Office.

BE IT FURTHER RESOLVED that the Pigeon Forge Municipal Planning Commission is granted jurisdiction within such region as provided by law, and

BE IT FURTHER RESOLVED that appropriate minute entry said designated planning commission shall be considered sufficient evidence of consent to the designation and the grant of jurisdiction provided herein.

Adopted:

January 24, 1973

  
Dean Perry, Chairman  
Local Government Planning Advisory  
Committee

  
Tilden J. Curry, Executive Director  
State Planning Office

TENNESSEE STATE PLANNING COMMISSION

RESOLUTION

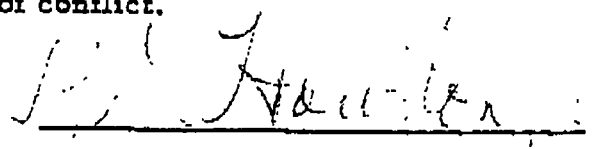
Amend the Pigeon Forge Region

WHEREAS, the Tennessee State Planning Commission on February 9, 1962 did create a Pigeon Forge Planning Region, placing thereon a limitation that it could not extend more than half the distance toward the corporate limits of another municipality as presently situated, and

WHEREAS, the Sevierville Municipal Planning Commission joins with the Pigeon Forge Regional Planning Commission in requesting latitude to permit the adjustment of boundary of the Pigeon Forge Planning Region to follow certain logical natural features, even though reaching somewhat more than halfway to the City of Sevierville,

NOW, THEREFORE, BE IT RESOLVED by the Tennessee State Planning Commission, acting under authority of Sections 13-107 and 13-202, that latitude be permitted for the Pigeon Forge Regional Planning Commission to extend its jurisdiction northward to the Enloe Bridge of U. S. Highway 441 over the West Prong Little Pigeon River and to follow the stream course and other features in that vicinity to establish a new and common boundary with the Sevierville Planning Region as may be mutually agreeable between those bodies, and

BE IT FURTHER RESOLVED that this resolution is intended to supersede the resolution of February 9, 1962 in any point of conflict.

  
P. D. Houston, Jr., Chairman

Adopted: Mar. 14 1962

TENNESSEE STATE PLANNING COMMISSION  
RESOLUTION

Create Pigeon Forge Region

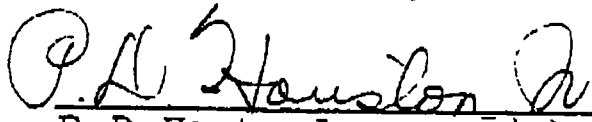
WHEREAS, Pigeon Forge is located in Sevier County on a principal access to the Great Smoky Mountains National Park and is the scene of active business and residential growth, a substantial portion of which is and may be expected to occur in the unincorporated territory surrounding the municipality, and

WHEREAS, planning for and control of development are not now being provided in the unincorporated territory surrounding the City of Pigeon Forge by other agencies or governmental units, and

WHEREAS, the Pigeon Forge Municipal Planning Commission on January 2, 1962 did adopt a resolution requesting a grant of regional powers to enable it to work constructively within this area,

NOW, THEREFORE, BE IT RESOLVED by the Tennessee State Planning Commission that acting under authority of Sections 13-107 and 13-202, Tennessee Code Annotated, there is hereby created and established a planning region comprising the corporate limits of Pigeon Forge together with territory adjoining but outside such municipality, no part of which is more than five (5) miles beyond the corporate limits nor extending more than half the distance toward the corporate limits of another municipality as presently situated, and

BE IT FURTHER RESOLVED that the Pigeon Forge Municipal Planning Commission is hereby designated the Pigeon Forge Regional Planning Commission for the entire region described above and is granted the powers and duties set forth by law.

  
P. D. Houston, Jr.  
Chairman

Adopted: Feb. 9, 1962